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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,995	08/15/2001	Noah J. Ternullo	12078-142	9105
26486	7590	04/21/2006	EXAMINER	
PERKINS, SMITH & COHEN LLP ONE BEACON STREET 30TH FLOOR BOSTON, MA 02108			NANO, SARGON N	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/929,995

Applicant(s)

TERNULLO ET AL.

Examiner

Sargon N. Nano

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 46 is/are pending in the application.
- 4a) Of the above claim(s) 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1 - 45 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to amendment filed on 21 Feb 2006. Claims 1 – 46 are pending examination. Upon further consideration of the application further restriction deemed necessary.

#### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 24, 29 – 42 and 45 are drawn to Using interconnected networks, classified in class 709, subclass 218.
- II. Claims 25 – 28, 43, 44, drawn to client/server, classified in class 709, subclass 203.

The inventions are distinct, each from the other because of the following reasons:

Group I contains the following limitation “ formatting ,outside the client device, unsolicited advertising information from the advertisement , the unsolicited advertising information including: service information indicating the purpose of the advertisement; data entry information indicating purchasing options based on the purpose; and contact information containing instructions for enabling the client device to communicate, with the service; forming an advertising signal containing the unsolicited advertising information; propagating the advertising signal from a transmitter to the client device within the location; receiving the advertising signal at the client device;

decoding the advertising signal to extract the unsolicited advertising information;  
displaying the unsolicited advertising information to a user of the client device; and  
determining, by the client device, a response to the advertising signal, based on the

unsolicited advertising information " that is not in Group II. Similarly group II has  
the limitation "receiving an unsolicited broadcast message having user-specific  
service information about a service from a service provider into a client device;  
creating, by the client device, an object-oriented service object from the service  
information;

activating the client device, the service object ;

receiving, by the client device, user data into the service object;

sending, by the client device, the user data to the service provider ;

receiving, by the client device, service provider data required to utilize the service  
from the service provider ; and

displaying by the client device, the service provider data required to utilize the  
service ; that is not in group I. Therefore restriction deemed necessary.

2. Applicant is reminded that upon the cancellation of claims to a non-elected  
invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one  
or more of the currently named inventors is no longer an inventor of at least one claim  
remaining in the application. Any amendment of inventorship must be accompanied by  
a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

A shortened statutory period for response to this action is set to expire thirty days  
from the mailing of this communication. Failure to respond within the period for

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response will cause the application to become abandoned (35 USC 133). Extension of time may be obtained under provision of 37 CFR 1.136(A).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273- 8300.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

April, 13, 2006

  
Patent Examiner